

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA - LAFAYETTE DIVISION

GOLDMAN SACHS BANK

USA, Plaintiff,

v.

MICHEL B. MORENO, TIFFANY C.  
MORENO, MBM 2011 DOH GRANTOR  
RETAINED ANNUITY TRUST, TCM 2011  
DOH GRANTOR RETAINED ANNUITY  
TRUST, MBM 2011 MGH GRANTOR  
RETAINED ANNUITY TRUST, TCM 2011  
MGH GRANTOR RETAINED ANNUITY  
TRUST, MORENO PROPERTIES TWO,  
L.L.C., AND NICHOLSON ESTATES,  
L.L.C.,

Defendants.

CIVIL CASE NO. 6:15-cv-02018-RFD-CMH

JUDGE: REBECCA F. DOHERTY

MAGISTRATE: CAROL B. WHITEHURST

**MEMORANDUM IN SUPPORT OF MOTION TO  
SUPPLEMENT THE RECORD OF THE CASE**

May it please the Court:

**Moreno Properties Two, L.L.C.** (“Properties Two”) and **Nicholson Estates, L.L.C.** (“Nicholson”) (jointly “Defendants”), through undersigned counsel, respectfully submit this memorandum in support of their *Motion to Supplement the Record of the Case* (the “Motion”).

**Argument**

Just days ago, on April 21, 2016, plaintiff Goldman Sachs Bank USA (“Plaintiff”) commenced an arbitration demand against Michel B. Moreno and Tiffany C. Moreno (the “Moreno Defendants”), who are also named as defendants herein, before the American Arbitration Association (the “Arbitration Demand”). Plaintiff’s Arbitration Demand alleges that arbitration is required under the same documents that are at issue in the captioned proceeding. In

connection with the Arbitration Demand, Plaintiff also commenced an action in the 44<sup>th</sup> Judicial District Court, Dallas County, Texas, bearing case number DC-16-04595 (the “Dallas Lawsuit”), seeking the issuance of an emergency writ of attachment, temporary restraining order and/or the appointment of a receiver in connection with the Dallas Lawsuit. A copy of the Arbitration Demand and the Dallas Lawsuit are attached to the Motion as Exhibits “A” and “B”.

Defendants in this action previously filed a *Motion to Compel Arbitration and Stay Proceedings Pending Arbitration* [Doc. 32] (the “Motion to Compel”) on September 18, 2015 in the captioned matter. Plaintiff Goldman Sachs Bank, USA vigorously opposed arbitration of this case and filed an *Opposition to Motion to Compel Arbitration and Stay Proceedings Pending Arbitration* [Doc. 40] (the “Opposition”) on October 9, 2015. The Motion to Compel has not yet been ruled upon by this Court.

Accordingly, Defendants desire to supplement the record of the case with the Arbitration Demand and the Lawsuit filed by Plaintiff against Moreno Defendants. The documents cited by the Plaintiff as requiring arbitration are identical to the documents at issue in the instant proceeding and may offer some guidance to this Court in connection with the Motion to Compel.

Respectfully submitted by:

/s/ William E. Steffes  
William E. Steffes (#12426)  
Noel Steffes Melancon (#30072)  
STEFFES, VINGIELLO & McKENZIE, LLC  
13702 Coursey Blvd., Building 3  
Baton Rouge, Louisiana 70817  
Telephone: (225) 751-1751  
Facsimile: (225) 751-1998  
Email: bsteffes@steffeslaw.com

*Counsel for Moreno Properties Two, L.L.C. and  
Nicholson Estates, L.L.C.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing *Memorandum in Support of Motion to Supplement the Record of the Case* has been served upon Plaintiff, Goldman Sachs Bank USA, through its attorneys of record *via* the Court's CM/ECF by electronic (email) transmission to:

Patrick Vance, pvance@joneswalker.com;  
Laura F. Ashley, lashley@joneswalker.com; and,  
Carmen M. Rodriguez, carmenrodriguez@joneswalker.com.

Baton Rouge, Louisiana, April 25, 2016.

/s/William E. Steffes  
William E. Steffes